

1 THE DEPONENT: Oh, excuse me, I understood
2 the hiring of the Assistant Chief.

3 EXAMINATION CONTINUED

4 BY MS. RODRIGUEZ FRANK:

5 Q Okay, but how about the preparation of
6 the PD?

7 A The preparation of the PD, I assisted.

8 Q You assisted?

9 A Yes. It is two different things.

10 Q I know. I think the rank and filing was
11 done by her.

12 A Yes.

13 Q And do you know whether or not Mr.
14 Figueroa and Mr. Bou applied for the Assistant Chief?

15 A Yes, I know they applied. We talk every
16 day, yes.

17 Q And why did you think that Mr. Marrero
18 needed an additional person to become Assistant
19 Chief? Was that considered that he needed someone
20 else to be Assistant Chief--

21 A He requested, Engineer Marrero
22 requested an Assistant Chief position and it was
23 approved by top management.

24 Q But do you go with him to that meeting

1 in which he presented his need?

2 A I go to some of the meetings in which
3 he presented, not all the meetings.

4 Q And what was the thrust of the
5 arguments in order for him to get approved that
6 position?

7 A I didn't go to that meeting.

8 Q And what did he say to you?

9 A He came to my office and he told me
10 specifically that he was approved by these positions
11 and that he needed me to work with the position
12 descriptions and the announcements.

13 Q He didn't tell you why he needed an
14 Assistant Chief?

15 A No, he told me that he was approved.

16 Q And how about, do you know whether or
17 not Mr. Marrero has someone in the states that acts
18 as his mentor?

19 A No.

20 Q No?

21 A No.

22 Q That he was approved a member in the
23 states in order to receive training?

24 A No, the only thing I know is that we

1 had an incident in the hospital and we had a team
2 visit us in the hospital and I believe he was going
3 to visit the hospitals in the VA in Florida and look
4 at all the hospitals and he went, he went to the
5 hospitals in the VA.

6 Q And the incident was the one where the
7 oxygen---

8 A Yes.

9 Q And there was some death involved?

10 A Yes. And he visited, all the -- I
11 believe, I am not exactly sure what hospitals he went
12 to, but I know it was in Florida.

13 A And did the incident recur, did it
14 happen again?

15 A No, no.

16 Q Not like that? Something different
17 happened?

18 A Things happen every day in the hospital
19 but not an incident like that, no.

20 Q It didn't happen twice?

21 A No.

22 Q That the hospital ran out of oxygen
23 twice?

24 A No, not that type of incident, no.

1 Q And what type of incident?

2 A Oh, we have incidents every day. What
3 incidents do you want to know? We have incidents
4 every day with all the operational functions, all the
5 functions of the hospital. There is incidents every
6 day in the VA Hospital. So what incident specifically
7 do you want to know?

8 Q I am telling you, I know for a fact
9 that the hospital ran out twice of oxygen.

10 MS. GONZALEZ: Objection, counsel. Your
11 knowledge of information is not relevant and she
12 already answered the question.

13 MS. RODRIGUEZ FRANK: I am going to ask
14 her again.

15 EXAMINATION CONTINUED
16 BY MS. RODRIGUEZ FRANK:

17 Q Are you sure that the oxygen didn't run
18 out twice?

19 MS. GONZALEZ: Objection, asked and
20 answered.

21 EXAMINATION CONTINUED
22 BY MS. RODRIGUEZ FRANK:

23 Q One time there was another similar
24 incident with the oxygen?

1 A Different incident.

2 Q But related to oxygen?

3 A Yes, we have incidents related to
4 oxygen different times of the year, not just that
5 time. This type of incident was one type of incident
6 that happened.

7 Q Why do you think it is different than
8 the other ones?

9 A Because it is not the same, it is not
10 the same.

11 Q Okay, but describe to me the first
12 incident, the one in which there was death involved.

13 A I was not aware there was death
14 involved.

15 Q Okay, but the one that he was required
16 to visit hospitals in the States.

17 A No, I don't believe he was specifically
18 required to visit hospitals in the states because of
19 that incident, because we have been visited by these
20 hospitals in the states, we have been visited all the
21 time hospitals in the states, and it had been
22 determined---

23 Q But all the time during what, the
24 tenure of Mr. Marrero?

1 A Well, every time, every time we have
2 visits.

3 Q From who, the Joint Commission or--

4 A No, we have teams from the VISN that
5 come and do inspections of the hospital, not just
6 Joint Commission.

7 Q Are you sure that the frequency of
8 those visits is not higher now than before?

9 A What type of visit?

10 Q The ones that you are telling to me,
11 the VISN.

12 A It's that we have always had them. I
13 wouldn't say that we have more now than we had
14 before. We always have visits, we always have visits.

15
16 Q And what is the purpose, do you assist
17 those people when they come in?

18 A No, it depends on what the visit is
19 related to.

20 Q Okay.

21 A The Joint Commission Inspection, yes,
22 we have to assist. The Inspector General, yes, we
23 have to assist. It depends what they are coming to.

24 Safety I am not involved in, and we have

1 safety visits all year.

2 Q Who else? Safety, IG, who else, the
3 Joint Commission--

4 A We have surveys, the Joint Commissions,
5 we have the IG, we have Security, and so on.

6 Q And they come by themselves or they are
7 asked to come?

8 A I don't know who appoints them to come.
9 Like for example, the IG, they come and the Joint
10 Commission, they come and other -- I really don't
11 know who assigns them to come. I am told we have a
12 visit, this is the visit, and this is what we need.

13 Q And usually what you are told about,
14 what is it that you need? What did they tell you that
15 they need?

16 A Well, from my point, the administrative
17 side, it depends on the visit, and we have to provide
18 documentation, such as budget information,
19 administrative information, it all depends on what
20 the visit is for and what they need. Sometimes we
21 have visits that I am not even involved in at all.

22 Q I am going to ask you something, the
23 new hires of Engineering, are they younger or older
24 than Mr. Figueroa and Bou?

1 A I don't know their age, but I believe
2 some of them are like Figueroa.

3 Q Who are they? Who are like Figueroa?

4 A I believe Quiñonez, the Assistant
5 Chief.

6 Q But he is older than, younger than Mr.
7 Bou and Mr. Diaz?

8 A Oh, yes, yes.

9 Q Who else, Pedro Calderín?

10 A He is young, I would say like Figueroa.

11
12 Q Forty five? You have seen his record,
13 you know how old he is?

14 A No, I don't know how old he is. I don't
15 know how old he is, I don't recall if I have seen it,
16 but he is maybe in his mid thirties, getting to his
17 forties.

18 Q And he is a GS-13 right now?

19 A Calderín, yes.

20 Q And he is a Section Chief?

21 A Yes.

22 Q What position does he have right now?

23 A He is the Section Chief of the Purchase
24 and Hire Section.

1 Q And he came from Roosevelt Roads?

2 A Yes.

3 Q Mr. Quiñonez also came from, Wilfredo
4 Quiñonez?

5 A Yes.

6 Q Who else came from Roosevelt Roads?

7 A Cordero, Engineer Cordero and Engineer
8 Gilda Rivera came from Roosevelt Roads.

9 Q And why do you think he hires them all
10 from Roosevelt Roads?

11 MS. GONZALEZ: Objection, counsel, calls
12 for speculation.

13 EXAMINATION CONTINUED

14
15 BY MS. RODRIGUEZ FRANK:

16 Q Yes, you have to answer, even if it is
17 speculative.

18 Has he told you why he hires people from
19 Roosevelt Roads?

20 A No.

21 Q You haven't asked him?

22 A No, he always says that he hires the
23 best qualified candidates and I wasn't involved in
24 none of those interview processes and selections.

1 Q No? Are aren't currently involved?

2 A Excuse me?

3 Q Are they relatives of someone there,
4 for example? Mr. Marrero, does he have any personal
5 relationship with any of the higher management there?

6 A Not that I am aware of.

7 Q How about, do they have a relationship
8 between them?

9 A What type of relationship?

10 Q Well, it could be the same one that you
11 have with Mike, Godfather, Godmother--

12 A Well, not that I am aware of.

13 Q Are they friends?

14 A Yes, they are friends.

15 Q While they were hiring for the position
16 of Acting Chief, what did you hear from Mrs. Nunci?
17 You just told me about the incident of Eduardo Diaz,
18 that he told Mrs. Janette Diaz, and you were present
19 there, that he was going over the applications, and
20 he was called to return them Human Resources?

21 A Yes.

22 Q He was told to return them to Human
23 Resources, or were they---

24 A I believe he was called, he was called

1 from Human Resources to return the applications?

2 Q Is that what he told you or---

3 A No, that's what Engineer Diaz told me.

4 Q That he was told to return them or he
5 came to his office and he didn't find them?

6 A No, he told me that they called him
7 specifically to Human Resources to return the
8 applications.

9 Q And he did it personally?

10 A I don't know.

11 Q You don't know?

12 A No.

13 Q And do you remember hearing Mr. Bou say
14 that he was asked to write on white paper for Mrs.
15 Nunci in order to write down what changes he wanted
16 to make to the service in order to improve it?

17 A Yes, Engineer Bou told me.

18 Q He told you?

19 A Yes.

20 Q Were you there in Mrs. Janet Diaz's
21 office when this incident of Eduardo Diaz and the
22 applications took place?

23 A Yes.

24 Q In her office?

1 A Yes. There was a meeting, I don't
2 recall exactly, I think we were discussing the FT,
3 the staff meeting, and I know that Mr. Diaz mentioned
4 that he was evaluating these applications and then
5 when we were at the office in Facility Management
6 Service, Engineer Diaz informed me that he had to
7 return the applications, that he was called by Iris
8 Aleman, that I remember.

9 Q And it was Iris Aleman who called him
10 in?

11 A Yes.

12 Q You told me that you had been to the
13 Executive Finance Board, it has another name too --
14 two meetings in which to justify, have you seen any
15 reluctancy from management, the triad, in not to
16 approve position for Mr. Marrero?

17 A Yes, yes.

18 Q What opposition have they, what are the
19 opposing arguments?

20 A No, it depends. Normally it depends if
21 we have the budget, because fiscal takes in a budget
22 report where they say that this is the budget we
23 have, so we have to depend on what we've got to
24 allocate funds, and we have had positions that have

1 not been approved to be hired.

2 Q And they have given you the position. I
3 don't understand.

4 A No, no. There's positions that we have
5 requested for the shops, it all depends on what
6 positions. Some we get approved, and none. I can tell
7 you that under Engineer Marrero we have had some
8 positions approved and some that have not been
9 approved.

10 Q And the positions that he has not been
11 approved, in what area are they, technical,
12 engineering?

13 A Technical

14 Q Technical area?

15 A Yes, and administrative are.

16 Q In the administrative area, they want
17 you to do, that is your area?

18 A Yes.

19 Q So you have less personnel? Engineering
20 gets gratified with more positions?

21 A Well--

22 Q They tell you you have to make due with
23 what you have?

24 A At this time we have to deal with what

1 we've got.

2 Q Okay, at this time?

3 A Yes.

4 Q Have you heard any negative comments
5 about age regarding Mr. Bou and Mr. Diaz, that he is
6 told that he is older than the building?

7 A He is older than the--

8 Q The VA building?

9 A No, I have not heard that he is older
10 than the VA building.

11 Q What have you heard?

12 A I have heard in meetings, sometimes,
13 and this is in a joking manner, that they have said
14 "old", the word old.

15 Q Are they both referred to as old,
16 Eduardo Diaz and Bou, or just Bou?

17 A Well, the times I have heard it it has
18 been with Bou.

19 Q Have you been there when Mr. Diaz has
20 been told that he is old too?

21 A Not that I recall.

22 Q I understand that one of the new hires
23 from Mr. Marrero is also older than, you just told me
24 that Mr. Quiñonez is older than Mike?

1 A No, Mr. Quiñonez is young.

2 Q Miguel Cordero?

3 A Yes.

4 Q Is Miguel Cordero told that he is old
5 too?

6 A Not that I have heard.

7 Q Do you think there is some resentment
8 from Mr. Marrero with both Mr. Bou and Figueroa and
9 Diaz because they had worked there before he came in?

10 MS. GONZALEZ: Objection, calls for
11 speculation.

12 EXAMINATION CONTINUED

13 BY MS. RODRIGUEZ FRANK:

14 Q Have you heard some negative comments?

15 A No.

16 Q Are they treated the same way as the
17 employees that he has hired? Have they been promoted
18 under his supervision?

19 A Promoted? No, they are GS-13.

20 Q Have duties been taken off of them in
21 order to boost the positions for some of his new
22 hires, like for example Mr. Calderín?

23 A Not necessarily, no because what
24 Engineer Marrero did was the re-organization in the